

REMARKS

I. Amendment To The Title and Claims

In response to Election/Restriction Requirement, the title of the invention has been amended to clearly define the subject matter of the invention. Claims 1, 5, 18 and 19 have been amended. Claims 8-17 and 20-22 have been canceled. Upon entry of the present amendments, claims 1-7, 18 and 19 are pending in this application. No new matter has been introduced by the amendments, and their entry is respectfully requested.

By the amendments, Applicant does not acquiesce to the propriety of any of the Examiner's rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). Further, Applicant reserves the right to prosecute the subject matter of any canceled or withdrawn claims in one or more continuation, continuation-in-part, or divisional applications.

II. Election/Restriction Requirement

A Restriction Requirement under 35 U.S.C. §121 has been entered in the present application. The Restriction Requirement identifies three groups:

Group I. Claims 1-19 drawn to a method of treating, preventing and managing macular degeneration using a cytokine inhibitory agent; and

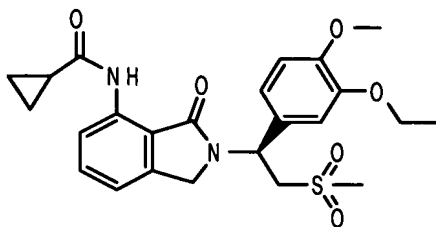
Group II. Claims 20-22 drawn to a pharmaceutical composition of a cytokine inhibitory drug and a second agent capable of reducing or avoiding symptom of macular degeneration.

Applicant respectfully traverses the restriction requirement and submits that a search related to methods or a pharmaceutical composition for use in patients with a recited disease comprising the administration of the compounds of the claims would not impose an undue burden on the Examiner. In particular, any search directed to the recited compounds would necessarily uncover uses thereof.

In order to be fully responsive to the restriction requirement, Applicant provisionally elects, with traverse, Group I, drawn to methods of treating, preventing

and managing macular degeneration, without prejudice to Applicant's right to prosecute any non-elected subject matter in one or more continuation, continuation-in-part or divisional applications.

In addition, Applicant has been required to elect a single species for prosecution on the merits. As for the single species to be searched, Applicant provisionally elects cyclopropyl-N-{2-[(1S)-1-(3-ethoxy-4-methoxyphenyl)-2-(methylsulfonyl)ethyl]-3-oxoisindoline-4-yl}carboxamide, which has the following structure.



which is disclosed in the originally filed specification at pages 20-21.

If any fee is required for this submission, Applicant hereby authorizes that such fee be charged to Deposit Account No. 50-3013.

Respectfully submitted,

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